UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,647	02/26/2002	Mamoru Kugumiya	450100-03764	8643

20999   7590   12/11/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/085,647	KUGUMIYA, MAMORU
		Examiner	Art Unit	
		Bob A. Phunkulh	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2002</u>.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>12,13,25 and 26</u> is/are allowed.

6)☒ Claim(s) <u>1,2,4-10,14,15,17-23 and 27-33</u> is/are rejected.

7)☒ Claim(s) <u>3,11,16 and 24</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>7/31/02</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-5, 7, 9, 14, 17-18, 20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by AGRAWAL et al. (US 6480537), hereinafter AGRAWAL.

Regarding claims 1 and 14, *AGRAWAL* discloses an apparatus for packetizing a coded bitstream of digital data in accordance with a transport protocol comprising:

time information generating means of generating the time information in accordance with a specification of the transport protocol (see col. 5 lines 18-47);

header generating means of generating a header with including the time information generated by the time information generating means (see col. 5 lines 18-47); and

packet generating means of generating a packet with adding the header generated by the header generating means into every predetermined unit of the bitstream (see col. 5 lines 15-47).

Regarding claims 4 and 17, *AGRAWAL* inherently discloses bit rate calculating means of calculating a bit rate of the coded bitstream of digital data, wherein the time information generating means generates the time information in accordance with the specification of the transport protocol using the bit rate calculated by the bit rate calculating mean (see col. 5 lines 37-47).

Regarding claims 5, 18, *AGRAWAL* discloses the time information generating means generates the time information in accordance with the specification of the transport protocol using the time information contained in a predetermined bitstream other than the coded bitstream of digital data (see col. 5 lines 33-47).

Regarding claims 7, 20, *AGRAWAL* discloses an encoder for generating the coded bitstream of digital data, wherein the time information generating means generates the time information in accordance with the specification of the transport protocol using information from the encoder (see col. 5 lines 18-47).

Regarding claims 9 and 22, *AGRAWAL* discloses the information from the encoder is information concerning the coded bitstream of digital data (see col. 5 lines 18-47).

Claims 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by APOSTOLOPOULOS et al. (US 6404874), hereinafter APOSTOLOPOULOS.

Regarding claims 27, 28, *APOSTOLOPOULOS* discloses an apparatus for

packetizing a coded bitstream of digital data in accordance with a transport protocol

comprising:

storing means of storing the coded bitstream every predetermined unit of the

coded bitstream (inherent feature for MPEG-4 decoder 12, see figure 1);

time information generating means of generating time information every the

predetermined unit, the time information being necessary for a synchronous transport in

accordance with the transport protocol (inherent feature for MPEG-2 standard, see

figure 1); and

packet generating means of generating a packet with adding the time information

generated by the time information generating means into every the predetermined unit

stored in the storing means (inherent feature for MPEG-2 encoder 14, see figure 1).

Regarding claim 29, *APOSTOLOPOULOS* inherently discloses the time

information generating means generates the time information using time information

embedded in a separate packet stream from the packet stream synchronously

transported in accordance with the transport protocol (inherent feature).

Regarding claim 30, *APOSTOLOPOULOS* inherently discloses the time

information generating means generates the time information using time information

embedded in a separate MPEG2-PES stream (inherent feature).

Regarding claim 31, *APOSTOLOPOULOS* discloses an apparatus for packetizing an MPEG4 stream in accordance with a specification of an MPEG2-PES stream protocol comprising:

storing means of storing the coded bitstream every predetermined unit of the coded bitstream (inherent feature for MPEG-4 decoder 12, see figure 1);

detecting means of detecting information from the MPEG4 stream, the information being required to generate the time information required when the MPEG2-PES stream is transported (inherent feature, see figure 1);

time information generating means of generating time information every the predetermined unit, the time information being necessary for a synchronous transport in accordance with the transport protocol (inherent feature for MPEG-2 standard, see figure 1); and

packet generating means of generating a packet with adding the time information generated by the time information generating means into every the predetermined unit stored in the storing means (inherent feature for MPEG-2 encoder 14, see figure 1).

Regarding claim 32, *APOSTOLOPOULOS* inherently discloses detecting means detects a bit rate of the MPEG4 stream, occupancy of the data to be stored in a buffer until a start of decoding the MPEG2-PES stream, and frame rate on the MPEG4 stream, from the MPEG4 stream (inherent feature, see figure 1).

Regarding clam 33, *APOSTOLOPOULOS* inherently discloses the detecting

means further detects information indicating one of I-picture, P-picture and B-picture,

information indicating how many seconds it takes from the I-picture, and information

indicating an order of reproduction, from the MPEG4 stream (inherent feature of MPEG-

2 standard).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 6, 8, 10, 15, 19, 21, 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *AGRAWAL* in view of APOSTOLOPOULOS et al. (US 6,404,814),

hereinafter APOSTOLOPOULOS.

Regarding claims 2, 6, 8, 10, 15, 19, 21, 23 *AGRAWAL* fails to discloses

converting from MPEG-4 to MPEG 2 bit stream.

APOSTOLOPOULOS, on the other hand, discloses converting data stream

MPEG-4 to MPEG-2 packet stream (see figure 1 and col. 2 lines 50-67 and col. 3 lines

1-6).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention was made to includes the teaching of *APOSTOLOPOULOS*

especially providing the MPEG-4 decoder in the system taught by *AGRAWAL* in order

to provides the users who do not want or cannot afford additional functionalities offered

by an object-based picture signal ability to receive predictively-coded object based

signal.

Allowable Subject Matter

Claims 3, 11, 16, 24 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claims 12-13, 25-26 are allowed.

Conclusion

Any response to this action should be mailed to:

> The following address mail to be delivered by the United States Postal
> Service (USPS) only:

> Mail Stop _____
> Commissioner for Patents
> P. O. Box 1450
> Alexandria, VA 22313-1450

> **or faxed to:**

> (571) 273-8300, (for formal communications intended for entry)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571)**
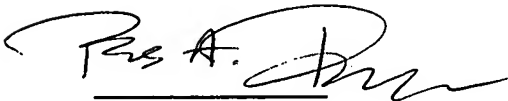
272-3083. The examiner can normally be reached on Monday-Tursday from 8:00 A.M.

to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-

week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor **Jay Patel**, can be reach on **(571) 272-2988.** The fax phone number for this

group is **(571) 273-8300.**

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Bob A. Phunkulh
Primary Examiner
TC 2600
Technology Division 2619
December 10, 2007

BOB PHUNKULH
PRIMARY EXAMINER